

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

WILLIAM WOODARD,

PLAINTIFF

V.

NO. 4:06CV58-P-D

GLORIA GIBBS,

DEFENDANT

**ORDER DENYING APPLICATION TO PROCEED *IN FORMA PAUPERIS*,
DISMISSING COMPLAINT, AND BARRING PLAINTIFF FROM FILING FUTURE
PRO SE IN FOR PAUPERIS COMPLAINTS**

This matter is before the court, *sua sponte*, for consideration of dismissal. Plaintiff, an inmate at the Mississippi State Penitentiary at Parchman, has filed an application to proceed *in forma pauperis* and a *pro se* complaint pursuant to 42 U.S.C. § 1983 in which he alleges that he has been improperly classified as an escape risk and that he should be housed in a less restrictive classification. He seeks to have any documents relating to the escape charge expunged from his records.

The Prison Litigation Reform Act was enacted in April 1996. This Act provides, *inter alia*, at 28 U.S.C. § 1915(g)

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

Woodard has at least three cases which were dismissed as either frivolous or for failure to state a claim upon which relief could be granted. Two were in this court (case numbers 4:04CV157-P-D, *Woodard v. U.s. District Court*, and 4:04CV8-P-A, *Woodard v. Epps, et al*) and one in the Federal District Court for the Southern District of Mississippi (3:03CV882HTW, *Woodard v. McMurry, et al*). Since all three meet the “three-strikes” grounds as specified above, Woodard is not eligible to bring *pro se in forma pauperis* complaints in federal court. Accordingly, it is hereby

ORDERED:

- 1) the motion to proceed *in forma pauperis* is denied;
- 2) this case is dismissed;
- 3) pursuant to 28 U.S.C. § 1915(g), the plaintiff is barred from filing any future *pro se in forma pauperis* complaints without permission of one of the judges of the court; and
- 4) this matter is closed.

THIS the 19th day of April, 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE